

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT COURT OF NEW MEXICO

STATE OF NEW MEXICO <i>ex rel.</i>)	
State Engineer, <i>et al.</i> ,)	
)	
Plaintiff,)	69cv07941-BB-ACE
)	
v.)	RIO CHAMA ADJUDICATION
)	
ROMAN ARAGON, <i>et al.</i> ,)	Canjilon Creek, Section 3
)	Subfile No.s:
Defendants.)	CHCJ-004-0045
_____)	CHCJ-005-0001

MOTION TO SET ASIDE ENTRY OF DEFAULT

COMES NOW, the Plaintiff State of New Mexico, *ex rel.* State Engineer (“State”) and pursuant to Fed. R. Civ. P. 55(c) respectfully requests the Court to set aside the entry of default for the following defendants in the Canjilon Creek subsection of Section 3:

Victor Salazar CHCJ-004-0045

CHCJ-005-0001

Agripina Salazar CHCJ-004-0045

CHCJ-005-0001

As grounds therefore Plaintiff states:

1. The Clerk’s Certificate of Default with respect to the above-named Defendants was entered on October 12, 2006 (Doc. No. 8409).

2. The above-named Defendants have signed and approved the State’s proposed Consent Order and forwarded the approved order to the State for filing.

3. Good cause exists to set aside the entry of default with respect to the defendants named above.

WHEREFORE, the Plaintiff State of New Mexico *ex rel.* State Engineer requests the Court to set aside entry of default for defendants Victor Salazar and Agripina Salazar.

Dated: October 31, 2006

Respectfully submitted,

/s/ Chris Lindeen
L. Christopher Lindeen
Special Assistant Attorney General
New Mexico Office of the State Engineer
P.O. Box 25102
Santa Fe, NM 87504-5102
(505) 827-6150

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing was mailed to the following persons on October 31, 2006.

Agripina Salazar
Victor Salazar
P.O. Box 324
Tierra Amarilla, New Mexico
87575

transmitted by ACE filing to the following this 31st day of October 2006:

Special Master Vickie L. Gabin
USDC-DCNM
P.O. Box 2384
Santa Fe, NM 87504-2384

Karla Bruner
Data Manager
1315 Sagebrush Dr. SW
Los Lunas, NM 87031

/s/ Chris Lindeen
L. Christopher Lindeen